

Appl. No. : 10/714,097
Filed : November 14, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, applicant herewith confirms the provisional election to prosecute the invention of Group 1 including claims 1-6, 17-31 and 38-43. Kindly maintain the remaining claims as "withdrawn from consideration", but kindly also consider the following.

Claim 1 defines a method including scanning the barcode, and then decoding the barcode to obtain information about personal identification information in a base N format, where N is at least 80% of the capability of all digits of the bar code. It is respectfully suggested that this is substantially similar to the subject matter of claims such as claim 7, which defines forming the barcode representing a base N number where N is greater than 10, and using the barcode to represent the personal identification information. Therefore, in view of the fact that claims 6 and 7 define similar subject matter, it is respectfully suggested that claim 7, and its dependent claims 8-16, should be examined along with the elected claims.

Claims 1-5 stand rejected based on various prior art. Claim 1 has been amended to include the limitations of claim 6 therein, which obviates this rejection.

Specifically, claim 6 was rejected based on Paul. In rejecting the claim, the rejection simply states that "... it is well-known in conventional art to decode information in a base N form... type 39/128 for example".

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This contention is respectfully traversed, and it is respectfully suggested that this statement is not sufficient to meet the Patent Office's burden of providing a prima facie showing of unpatentability.

First of all, to the extent that this is based on personal knowledge of the Examiner, a reference to substantiate this point is requested.

The undersigned knows of no technique where personal identification information is obtained in a base N format where N is at least 80% of the capability of digits of the barcode. The undersigned understands that type 39 bar codes decode into letters of the alphabet, digits, and a few other characters. This is not a base N format where N is at least 80% of the capability of all of the digits of the barcode, but rather an alphanumeric format.

By using a base N format, certain significant advantages can be obtained, as explained in the specification. For example, consider the situation of even a six digit number in base 39. A significant amount of information can be encoded into a six digit number in base 39. Nothing in the cited prior art, or anything personally known to the undersigned, is in anyway suggestive of using the barcode for anything other than base 10 numbers as well as alphabetic digits. Therefore, the rejection of claim 6 is respectfully traversed.

The remaining claims stand rejected under 35 USC 102 and/or 103 based on Schwartz. Schwartz, however, has a filing date of June 27, 2000, approximately three weeks prior to the priority filing date of the priority application. The present application was in stages of drafting during that time, and hence applicants herewith file a Rule 131 Declaration to establish invention date earlier than June 27, 2000.

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This defeats the prima facie showing based on Schwartz and all combinations including Schwartz. Hence, this obviates the remaining rejections remaining in the case.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

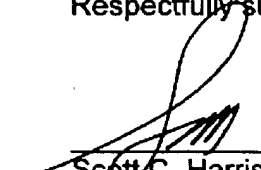
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Respectfully submitted,

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